(SRI L. SIDDAPPA.)

(*c*) if not, whether the State Government have made any representation to the Union Government in this behalf?

*A*.—Dr. R. NAGAN GOWDA (Minister for Agriculture).—

(*a*) Newspaper reports have been brought to the notice of Government.

(*b*) None.

(*c*) The Government of India was addressed for supply of 25 bore-well machines to the State on a loan basis. This was not accepted by the Government of India. A letter has been addressed again for rcconsideration of the matter.

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## MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION BILL, 1954.

*Motion to consider* (contd.)

Mr. SPEAKER.—Now, the general debate on the Religious and Charitable Inams Abolition Bill will continue.

*ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ (ಎಳಂದೂರು-ಅನುಸೂಚಿತ ಜಾತಿಗಳು).—ಸ್ವಾಮಿ, ಧಾರ್ಮಿಕ ಮತ್ತು ಮತ ಸಂಬಂಧವಾದ ಇನಾಂತಿ ರದ್ದಿಯಾತಿ ಮಸೂದೆಯ ಬಗ್ಗೆ ಕಳೆದ ಎರಡು ದಿನಗಳಿಂದಲೂ ಕೂಡ ಚರ್ಚೆ ನಡೆದಿದೆ. ಈ ಮಸೂದೆಯ ವಿಚಾರವಾಗಿ ಮಾತನಾಡಿದ ಮಾನ್ಯಸದಸ್ಯರಾರೂ ಈ ಇನಾಂ ರದ್ದಿಯಾತಿ ವಿಷಯದಲ್ಲಿ ಭಿನ್ನಾಭಿಪ್ರಾಯಗಳನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ ಹಾಗೆ ನನಗೆ ಕಾಣಲಿಲ್ಲ. ಆದರೂ ಕೂಡ ಒಬ್ಬಿಬ್ಬರು ಮಹನೀಯರು ಈ ಧಾರ್ಮಿಕ ಮತ್ತು ಮತಸಂಬಂಧವಾದ ಇನಾಂತಿಗಳನ್ನು ರದ್ದುಮಾಡುವ ಅಧಿಕಾರ ಸರ್ಕಾರಕ್ಕಿಲ್ಲವೆಂದು ಹೇಳಿ ರಾಜ್ಯಾಂಗದ 26ನೆಯ ವಿಧಿಯನ್ನು ಓದಿ ಕೂಡ ತಿಳಿಸಿದರು. ನಾನು ವಿನಯ ಪೂರ್ವಕವಾಗಿ ಅದೇ ರಾಜ್ಯಾಂಗದಲ್ಲಿ ವಿದಿತವಾಗಿರುವ ಆರ್ಟಿಕಲ್ಸ್ 25 ಮತ್ತು 27ನೇ ವಿಧಿಗಳನ್ನು ಅವರ ಗಮನಕ್ಕೆ ತರಬೇಕಾಗಿದೆ. ಆರ್ಟಿಕಲ್ 25 ಈ ರೀತಿಯಿದೆ :—*

"25. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(*a*) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(*b*) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus."

Section 27 :—"No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination."

*ಆದ್ದರಿಂದ ಸರ್ಕಾರ ಈ ಮಸೂದೆಯನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ತಂದಿರತಕ್ಕಂಥಾದ್ದು ಕಾನೂನಿಗೆ ವಿರುದ್ಧವಾಗಿಯೂ ಇಲ್ಲ ಮತ್ತು ಇದು ಈ ನಂಸ್ಥೆಗಳ ಆಡಳಿತ ಸುವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿ ಸಾಂಗೋಪಾಂಗವಾಗಿ ಇನ್ನು ಮುಂದೆ ಕೂಡ ನಡೆದುಕೊಂಡು ಬರುವುದಕ್ಕೆ ಯಾವ ಧಕ್ಕೆಯನ್ನೂ ಉಂಟುಮಾಡಿಲ್ಲ ಎಂದು ನಾನು ಈ ಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ನಿವೇದಿಸಿಕೊಳ್ಳುವವನಾಗಿದ್ದೇನೆ. ಈ ಮಸೂದೆಯನ್ನು ಇಷ್ಟು ಅವಸರವಾಗಿ ತಂದು ದೇಶದ ಕೆಲವು ಜನರ ವಿರೋಧಕ್ಕೆ ಗುರಿಮಾಡುವುದಕ್ಕೆ ಬದಲಾಗಿ ಇದನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ದೇಶದಾದ್ಯಂತ ಸಾರ್ವಜನಿಕರ ಅಭಿಪ್ರಾಯವನ್ನು ಕ್ರೋಡೀಕರಿಸುವುದಕ್ಕಾಗಿ ಸರ್ಕುಲೇಟ್ ಮಾಡಬೇಕೆಂದು ಒಬ್ಬಿಬ್ಬರು ಸದಸ್ಯರು ತಿಳಿಸಿದರು. ಈ ಮಸೂದೆಯ ವಿಚಾರದಲ್ಲಿ ಇದು ಅವಸರವಾಗಿ ತಂದ ಮಸೂದೆಯಲ್ಲ. ನಮ್ಮ ಹಿಂದಿನ ಶಾಸನ ಸಭೆಗಳ ಕಾರ್ಯಕಲಾಪಗಳು ಮತ್ತು ಈ ಶಾಸನ ಸಭೆಯ ಮತ್ತು ಹಿಂದಿನ ಶಾಸನ ಸಭೆಗಳಲ್ಲಿ ಸಾರ್ವಜನಿಕರಿಂದ ಚುನಾಯಿತರಾದಂಥ ಸದಸ್ಯರು ತಂದಿರತಕ್ಕಂಥ ಖಾಸಗಿ ನಿರ್ಣಯಗಳು ಮತ್ತು ಪ್ರಶ್ನೆಗಳು ಇವುಗಳನ್ನು ನೋಡಿದರೆ ಈ ವಿಚಾರ ಚೆನ್ನಾಗಿ ಪ್ರಸ್ತಾಪವಾಗಿದೆಯೆಂದು ಕಂಡುಬರುತ್ತದೆ ಮತ್ತು ಹೊರಗಡೆ ಜನರು ಈ ಇನಾಂತಿಗಳು ರದ್ದಾಗಬೇಕೆಂದು ಕೂಗುತ್ತಿದ್ದುದು ನಮಗೆ ಹೊಸದೇನೂ ಅಲ್ಲ ಮತ್ತು ಈ ಇನಾಂಗಳು ರದ್ದಾಗುವವರೆಗೂ ಕೂಡ ಈ ತಲೆನೋವು ಮಾನ್ಯ ಸದಸ್ಯರಿಗೂ, ಸರ್ಕಾರಕ್ಕೂ ಈಗೇ ನಿದೆಯೋ ಅದು ಮುಕ್ಕಾಲುಮೂರು ವೀಸೆ ಪಾಲು ಜನತೆಗೆ ತಪ್ಪಿದ್ದಲ್ಲ ಎಂದು ಈ ಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ತಿಳಿಸಬೇಕಾಗಿದೆ. ಕೇವಲ ಒಂದು ಕೋಮಿನ ಅಥವಾ ಕೆಲವು ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳ ಹಿತಕ್ಕೆ ಧಕ್ಕೆಯನ್ನು ತಂದೊಡ್ಡಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಈ ಮಸೂದೆಯನ್ನು ತಂದಿಲ್ಲ. ಇದನ್ನು ಉದ್ದೇಶಗಳ ಮತ್ತು ಕಾರಣಗಳ ವಿವರದಲ್ಲಿ ಕೂಡ ಸರ್ಕಾರ ಈ ರೀತಿಯಾಗಿ ತಿಳಿಸಿದೆ :—*

"In order to ensure that the purpose for which the inams were

granted is not affected, provision has been made in the present Bill for the payment to the institution which owned the inam an annual allowance equal to the net income derived by the institution from the lands which cease to vest in the institution by virtue of this law."

ಆದಕಾರಣ ಇನ್ನು ಮುಂದೆ ಈ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ನಡೆಯಬೇಕಾದಂಥ ಕಾರ್ಯಕಲಾಪಗಳಿಗೆ ಯಾವ ವಿಧವಾದ ಒಂದು ಅಡ್ಡಿ ಆತಂಕ ಕೂಡ ಇಲ್ಲ. ಇನಾಂತಿಗೆ ಬದಲಾಗಿ ಈ ಮಸೂದೆಯಲ್ಲಿ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ವರ್ಷದ ಆದಾಯದಲ್ಲಿ ಉಳಿತಾಯ ವೆಷ್ಟು ಬರಬೇಕಾಗಿತ್ತೊ ಅಷ್ಟನ್ನು ಕೊಟ್ಟು ಕೊಂಡು ಈ ಸಂಸ್ಥೆಗಳು ನುವ್ಯವಸ್ಥಿತ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಬರುವುದಕ್ಕೆ ಒಂದು ಅವಕಾಶವನ್ನು ನಮೂಎಿಸಿದೆ. ಅಂದಮೇಲೆ ಈ ಮಸೂದೆ ಯಾವ ವಿಧದಲ್ಲಿ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳ ಕೆಲಸ ಕಾರ್ಯಗಳಿಗೆ ಅಡ್ಡಿಮಾಡಿದೆ, ಸ್ವಾಮಿ ? ಇದಕ್ಕೆ ಬದಲಾಗಿ ಇಲ್ಲಿನ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಮತ್ತು ಮತಸಂಬಂಧವಾದ ಇನಾಂತಿ ಗ್ರಾಮಗಳಲ್ಲಿ ವಾಸಮಾಡತಕ್ಕಂಥ ರೈತರಿಗೆ ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ಇನಾಂದಾರರುಗಳಿಂದ ತೊಂದರೆಗಳು ಪ್ರಾಪ್ತವಾಗಿವೆ ಎನ್ನತಕ್ಕಂಥಾದ್ದನ್ನು ನಾವು ಈ ಸಭೆಯಲ್ಲಿ ಈ ಸಮಯದಲ್ಲಿ ಜ್ಞಾಪಕಕ್ಕೆ ತಂದು ಕೊಳ್ಳಬೇಕಾದದ್ದು ಅತ್ಯಾವಶ್ಯಕವೆಂದು ನಾನು ಭಾವಿಸುತ್ತೇನೆ. ಇನಾಮುಗಳನ್ನು ಕೊಡುವಾಗ ಹಿಂದಿನ ರಾಜಮಹಾರಾಜರು ಮತ್ತು ಆಗಿನ ಕಾಲದ ಸರ್ಕಾರ ಅಲ್ಲಿ ವಾಸವಾಡತಕ್ಕಂಥ ರೈತರುಗಳಲ್ಲಿ ಯಾರನ್ನೂ ಕೂಡ "ನಾವು ಇಂಥ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಇಂಥ ಮಹನೀಯರುಗಳಿಗೆ ಈ ಗ್ರಾಮಗಳನ್ನು ಇನಾಂತಿಯಾಗಿ, ಬಳುವಳಿಯಾಗಿ ಕೊಡುತ್ತಿದ್ದೇವೆ, ಇದಕ್ಕೆ ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವೇನು" ಎಂದು ಕೇಳಿಲ್ಲ. ಇನಾಂ ಗ್ರಾಮಗಳನ್ನು ಕೊಡುವಾಗ ಸರ್ಕಾರಿ ಗ್ರಾಮಗಳಲ್ಲಿ ಯಾವ ರೀತಿ ಕೆಲಸ ಕಾರ್ಯ ನಡೆಯುತ್ತಿತ್ತೊ ಆ, ಯಾವ ಹಕ್ಕುಬಾಧ್ಯತೆಯಿತ್ತೋ ಅದೇ ರೀತಿಯಲ್ಲಿ ಆ ಇನಾಂ ಗ್ರಾಮಗಳಲ್ಲೂ ಇದ್ದೇ ಇತ್ತು. ಈಗ ಈ ಇನಾಂ ಗ್ರಾಮಗಳನ್ನೂ ಸರ್ಕಾರಿ ಗ್ರಾಮಗಳನ್ನೂ ಹೋಲಿಸೋಣ. ನಮ್ಮ ಜಿಲ್ಲೆಯಲ್ಲಿ ನೋಡುವುದಾದರೆ ಚಾಮರಾಜನಗರ ತಾಲ್ಲೂಕನಲ್ಲಿ ಚಾಮರಾಜೇಶ್ವರ ದೇವಸ್ಥಾನವಿದೆ. ಅದಕ್ಕೆ 33 ಗ್ರಾಮಗಳಿರುವ ಉಮ್ಮತ್ತೂರು ಹೋಬಳಿಯೆಂಬ ಒಂದು ಹೋಬಳಿಯನ್ನೇ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆ ಗ್ರಾಮಗಳ ಪರಿಸ್ಥಿತಿಯನ್ನು ಈ ಸಮಯದಲ್ಲಿ ನಾನು ಈ ಮಾನ್ಯ ಸಭೆಯ ಗಮನಕ್ಕೆ ತರದಿದ್ದರೆ ನನ್ನ ಕರ್ತವ್ಯ ಲೋಪ ವಾದೀತು ಎಂದು ಸ್ವಲ್ಪ ಕಾಲವಾದರೂ ಆ ಗ್ರಾಮಗಳ ಕಷ್ಟನುಖಗಳನ್ನು ಇಲ್ಲಿ ತಿಳಿಸಬೇಕಾಗಿದೆ. ಆ ಗ್ರಾಮಗಳಲ್ಲಿರುವ ರೈತರು ಖಾಯಂ ರೈತರಾಗಿಲ್ಲದೆ ಅವರ ಶಿಷ್ಯರಾಗಿ ಅವರ ಇಷ್ಟಾನುಸಾರ ವರ್ಷೇವರ್ಷೇ ಜಮೀನುಗಳನ್ನು ಗುತ್ತಿಗೆ ಕರಾರಿನ ಪ್ರಕಾರ ಪಡೆದು ಕೊಂಡು ಸಾಗುವಳಿ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಪ್ರತಿ ವರ್ಷವೂ ಕೂಡ ಗುತ್ತಿಗೆ ಕರಾರು ಬದಲಾವಣೆಯಾಗುತ್ತಾ ಇರುವುದರಿಂದ ಅಲ್ಲಿರುವ ರೈತರು ಆ ಜಮೀನನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ಸಾಗುವಳಿ ಮಾಡದೆ, ಹೆಚ್ಚಿನ ಆಸಕ್ತಿಯಿಲ್ಲದೆ, ಸಾಗುವಳಿ ಕೆಲಸ ಎಷ್ಟುಮಟ್ಟಿಗೆ ಆಗಬೇಕಾಗಿತ್ತೊ ಅಷ್ಟುಮಟ್ಟಿಗಾಗದೆ ಉತ್ಪತ್ತಿ ಬಹಳ ಕಡಮೆಯಾಗುತ್ತಾ ಬಂದಿದೆ. ಕೆರೆ ಮತ್ತು ನಾಲೆ ರಿಪೇರಿ, ರಸ್ತೆ ನಿರ್ಮಾಣ, ವಿದ್ಯಾಭ್ಯಾಸ ಸೌಕರ್ಯ ಇಂಥ ವಿಚಾರಗಳಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೂ ಮತ್ತು ಸಾರ್ವ ಜನಿಕರಿಗೂ ಒಂದು ನೇರವಾದ ಸಂಬಂಧವಿಲ್ಲದೆ ಮಧ್ಯ ವರ್ತಿ ಜನಗಳಿಂದ ಅನೇಕ ವಿಧವಾದ ತೊಂದರೆ ಬಂದಿದೆ. ಸರ್ಕಾರ ಮತ್ತು ಜಿಲ್ಲಾಬೋರ್ಡು ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಗಳಿಗಾಗಿ ಖರ್ಚುಮಾಡುವ ಹಣದಲ್ಲಿ ಈ ಗ್ರಾಮಗಳಿಗೆ ಯಾವ ವಿಧವಾದ ಒಂದು ಸೌಕರ್ಯ ಕೂಡ ಆಗುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ, ಇದಕ್ಕೆ ಅನೇಕ ಅಡ್ಡಿ ಆತಂಕಗಳಿವೆ. ಈ ದೃಷ್ಟಿಯಿಂದ ಈ ಮಧ್ಯ ವರ್ತಿ ಜನ ಆದಷ್ಟು ಬೇಗ ಹೋದ ಹೊರತು ಈ ಗ್ರಾಮಗಳ ಸಮಸ್ಯೆಯಾಗಲಿ, ಇದರಲ್ಲಿರುವ ರೈತರ ಸಮಸ್ಯೆಯಾಗಲಿ ಬಗೆಹರಿಯುವುದಿಲ್ಲ ಯಾವ ಸಂಸ್ಥೆಗೆ ಈ ಒಂದು ಬಳುವಳಿ ಕೊಟ್ಟಿದ್ದಾರೋ ಅದು ನುವ್ಯವಸ್ಥಿತವಾದ ರೀತಿಯಲ್ಲಿ ನಡೆಯುವುದಿಲ್ಲ ಎಂದು ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಿವೇದಿಸಿಕೊಳ್ಳಬೇಕಾಗಿದೆ.

**Sri V. R. NAIDU** (Malleswaram).—On a point of information, Sir. ಈಗ ಮುಖ್ಯವಾಗಿ ಈ ಮಸೂದೆಯನ್ನು ನಿನ್ನೆ ಮೊನ್ನೆಯಿಂದ ಕೂಡ ಮಾನ್ಯ ಸದಸ್ಯರು ಚರ್ಚೆಮಾಡುತ್ತಿದ್ದಾರೆ. ಇದು ಸಂಪ್ರದಾಯಕ್ಕೆ, ದೇವಸ್ಥಾನಗಳಿಗೆ ಮತ್ತು ಸ್ವಾಮಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯ ಕೂಡ ಆಗಿದೆ. ಏನಪ್ಪ ನಮ್ಮ ವಿಷಯದಲ್ಲಿ ಮಾತನಾಡಿದ್ದೀರಿ, ನಮ್ಮ ಸಾಧು ಸಂತರ ವಿಷಯದಲ್ಲಿ ಈ ರೀತಿ ಮಾತನಾಡಿದ್ದಕ್ಕಾಗಿ ನೀನು ಒಂದು ಗಂಟೆಯೊಳಗಾಗಿ ಕಲ್ಲಾಗು ಎಂದು ಹಿಂದೆ ಶಾಪಕೊಡುತ್ತಿದ್ದರು. ಆ ರೀತಿಯಾಗಿ ಶಂಕರಾಚಾರ್ಯರು ನನ್ನನ್ನು ಕಲ್ಲುಮಾಡಿದರೆ ವಿಧಾನಸಭೆಯ ಮುಂದೆ ನನ್ನ ಪ್ರತಿಮೆಯನ್ನು ಮುಖ್ಯಮಂತ್ರಿಗಳು ಇಡುತ್ತಾರೆಯೆ ಎಂದು ಕೇಳಬೇಕಾಗಿದೆ. (ಸಭೆಯಲ್ಲಿ ನಗು.)

**Mr. SPEAKER.**—The Chief Minister will seriously consider that aspect.

(*Loud laughter.*)

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—ಸ್ವಾಮಿ, ಸರ್ಕಾರಿ ಗ್ರಾಮಗಳಲ್ಲಿ ಕೊಡತಕ್ಕಂಥ ತೆರಿಗೆ ಮತ್ತು ಗುತ್ತಿಗೆ ಇನಾಂ ಗ್ರಾಮಗಳಲ್ಲಿ ಕೊಡುವುದಕ್ಕಿಂತ ಕಡಮೆಯಾಗಿದೆ. ಇನಾಂ ಗ್ರಾಮಗಳಲ್ಲಿ ಕೆಲವು ಜನ ಕೇವಲ ಭಾರಿ ಸೆಸ್ಸನ್ನು ಕೊಟ್ಟು ಮತ್ತೆ ಕೆಲವರು ಯಥೇಚ್ಛವಾಗಿ ತೆರಿಗೆಯನ್ನು ತೆತ್ತು ತಮಗೆ ನಲ್ಲಬೇಕಾದಂಥ ಸೌಕರ್ಯವೊಂದೂ ಇಲ್ಲದೆಯೇ ತೊಂದರೆಪಡುತ್ತಿರುವುದು ತಮ್ಮೆಲ್ಲರಿಗೂ ತಿಳಿದಂಥ ವಿಷಯವೇ ಆಗಿದೆ. ಇಂದೂಕೂಡ ನಾವು ಈ ತಾರತಮ್ಯವನ್ನು ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋಗುವುದರಲ್ಲಿ ಯಾವ ಔಚಿತ್ಯ ತಾನೆ ಇದೆ ? ಈ ಇನಾಂ ಗ್ರಾಮಗಳಲ್ಲಿ ಹಿಂದೆ ರೈತರಿಗೆ ಯಾವ ಹಕ್ಕುಬಾಧ್ಯತೆಯಿತ್ತೋ ಆ ಹಕ್ಕುಬಾಧ್ಯತೆಯನ್ನು ಈಗ ಪರ್ಮನೆಂಟ್ ಟೆನೆಂಟ್ಸ್ ಎಂದೇನಿದ್ದಾರೋ ಅವರಿಂದ ಒಂದು ಮೊತ್ತವನ್ನ ತೆಗೆದು ಕೊಂಡು ಅವರಿಗೆ ಕೊಡಬೇಕೆಂದು ಈ ಮಸೂದೆಯಲ್ಲಿ ನಮೂದಿಸಿದೆ.

1-30 P.M.

"..... a permanent tenant entitled to be registered as an occupant under sub-section (1) shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an

(ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.)

amount equal to such number of multiples of the land revenue payable in respect of the land or such basic value per acre of the land, whichever is more, as is specified in columns 3 and 4 respectively of the schedule as applicable to dry land, wet land and garden land, as the case may be, in the area specified situated in the corresponding entry in column 2 of the said schedule."

ಹೀಗಿರುವಾಗ ಅವರಿಂದ ಹೆಚ್ಚಿನ ವಿಧವಾದ ಪ್ರೀಮಿಯಂ ವಸೂಲುಮಾಡುವುದು ಕೇವಲ ಅನ್ಯಾಯ ನಡೆಸಿದಂತಾದೀತು ಎಂದು ನನ್ನ ಭಾವನೆ. ಆದರೆ ಇದನ್ನು ಆಯಾ ರೈತರ ಆರ್ಥಿಕ ಸ್ಥಿತಿಯನ್ನು ಅರಿತುಕೊಂಡು, ಅವರು ಅದಕ್ಕನುಸಾರವಾಗಿ ಪೊಬಲಗನ್ನು ಕೊಡಬೇಕೆಂದು ನಿಗದಿಮಾಡಬೇಕು ಮತ್ತು ಅದನ್ನು ಆದಷ್ಟೂ ಕಡಮೆಮಾಡಬೇಕೆಂದು ಈ ಸಂದರ್ಭದಲ್ಲಿ ತಿಳಿಸುತ್ತೇನೆ. ಧರ್ಮಸಂಸ್ಥೆಗಳಿಗೆ ಕೊಡಬೇಕಾದ ಹಣದ ವಿಚಾರದಲ್ಲಿ ಗ್ಯಾರಂಟಿಕೊಡಬೇಕು ಮತ್ತು ಇದಕ್ಕಾಗಿ ಒಂದು ರಿಸರ್ವ್ ಫಂಡನ್ನು ಏರ್ಪಡಿಸಿ ಧರ್ಮಸಂಸ್ಥೆಗಳಿಗೆ ಇದರಿಂದ ರಕ್ಷಣೆ ದೊರಕುವಂತೆ ಮಾಡಬೇಕು ಎಂಬುದಾಗಿ ಶ್ರೀಮಾನ್ ಎಸ್. ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್ಯರು ಹೇಳಿದರು. ಧರ್ಮಸಂಸ್ಥೆಗಳ ವಿಚಾರದಲ್ಲಿ ಸಾಕಾದಷ್ಟೂ ರಕ್ಷಣೆಕೊಡಬೇಕೆಂಬುದು ರಾಜ್ಯಾಂಗದಲ್ಲಿ ಅಡಕವಾಗಿದೆಯೆಂದು ತಿಳಿಯುತ್ತೇನೆ. ಈ ಧರ್ಮಸಂಸ್ಥೆಗಳ ಕೆಲಸ ಸಾಂಗೋಪಾಂಗವಾಗಿ ನಡೆದುಕೊಂಡು ಹೋಗಲು ಇದಕ್ಕೆ ತಕ್ಕ ವ್ಯವಸ್ಥೆಮಾಡಬೇಕಾದುದು ಅಗತ್ಯ. ಇಷ್ಟು ಹೇಳಿ ಈಗ ತಂದಿರತಕ್ಕ ಮಸೂದೆಯನ್ನು ಹೃತ್ಪೂರ್ವಕವಾಗಿ ಸ್ವಾಗತಿಸಿ ಅತಿ ಜಾಗ್ರತೆಯಾಗಿ ಇದನ್ನು ಜಾರಿಗೆ ತರಬೇಕೆಂದು ತಿಳಿಸುತ್ತೇನೆ.

**Sri R. ANANTARAMAN** (Chamarajpet).—There is one happy feature about this Bill and that is all sections of the House are supporting it, excepting one or two members. This subject has not come up before this House for the first time now. In 1948 a member of the House then moved a resolution in this House recommending that all inams should be abolished. The Hon'ble Minister for Revenue conceded the point and said that a committee will be appointed to go into the question in particular and also to consider the question of revision of land revenue. Sri H. B. Gundappa Gowda was appointed as Chairman of the committee and some members were nominated. They gave a report. Before the report was published, an interim report was also given by them. According to the report, they favoured the abolition of all these inams. They also favoured that some compensation may be given to these inams. In compliance with this report, a Bill was brought in 1951. It was well discussed before this House. Many members participated in the discussion. And on 20th March 1951, the Bill was referred to a select committee. They also submitted their report. But that report was not discussed on the floor of this House. So that Bill was not passed into law, because, new elections were coming in and the House also was dissolved. So, after the new elections, and the House was constituted, last year, very recently, the Mysore (Personal and Miscellaneous) Inams Abolition Bill was passed. It was also approved by the Upper House and it is awaiting the assent of the Rajpramukh. Now a separate Bill has been brought in relating to the abolition of all religious inams including Sringeri.

Some people say that some discrimination must be made between Sringeri inam and other religious inams. There is a bar for that under the Constitution. You cannot make any discrimination between one Jahgir and another. All must be treated alike. According to clause 1, this Bill applies to all religious inams including the Sringeri Jahgir and charitable inams. Clause 3 deals with the vesting of inam in the State and its consequences. All the properties so vesting will be without any encumbrance. Also, the Government will have the power to collect all arrears of land revenue. Also the relationship between the Inamdar and the tenant, the relationship between the landlord and the tenant and the relationship between the superior holder and the inferior holder, the rights and privileges of Kadim tenants and permanent tenants are all referred to in this clause. According to Clause 4, the kadim tenants are to be registered as occupants of their holdings without paying any premium to the Government whereas the permanent tenants will be considered as occupants if they pay certain premium to the Government. Also, according to clause 6, some special protection is given to the minor inamdar and the inamdar, with some

restrictions. Supposing the inamdars are having *khas* possession of certain lands. They will be left to them excluding communal lands and other lands specified in sub-clauses 2 and 3. Clause 8 refers to the determination of lands of which a kadim tenant, a permanent tenant, and the holder of a minor inam and an inamdar are entitled to be registered as occupants. Power is given to the Deputy Commissioner to hold an enquiry and find out and decide in respect of which lands the claims should be allowed. He will submit a report in that connection. Then, clause 10 deals with the vesting of certain buildings situated in an inam. One thing is silent here. Regarding certain public buildings which were used for administrative purposes, like village panchayet hall, nothing is mentioned about them. It refers only to buildings which are in the possession of inamdar. But what about those buildings which are subsequently alienated to some other persons? Nothing is mentioned about such buildings. It is better that at the time of giving compensation, the award is made regarding those buildings also and the money is deducted at the time of payment to the inamdar. These public buildings should be retained. Whether they are used for the purpose of village panchayets or for any other purpose, these things will have to be noted and the amount deducted at the time of paying compensation to the inamdar. Clauses 13 and 14 deal with the determination of compensation. According to clause 14, compensation is to be determined for the inam as a whole and not separately for each of the interests therein. That will no doubt be very difficult. Supposing there are many rival claims. It is not possible for the Deputy Commissioner to find out who are the rival claimants and make payment to them. So compensation will have to be determined for the whole inam itself and if there are certain claims, they will have to fight out in civil court or file application before the Deputy Commissioner or the appellate authority and get their share determined. According to clause 15, the basic annual sum will be determined by the Deputy Commissioner in respect of each inam. Clause 16 refers to component parts of the basic annual sum of an inam. According to it, the basic annual sum shall be the aggregate of the sums specified under the clause, namely, the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands in respect of which any person is entitled to be registered under Sections 4, 5 and 6, and also the whole of the average of the net annual income derived by the inamdar during the period of five years immediately preceding the date of vesting from lands other than lands in respect of which any person is entitled to be registered under Sections 4, 5, 6 and 7. These things will be determined by the Deputy Commissioner. Of course amounts due to Government will be deducted and the shares will be determined and given to the rival claimants.

As regards payment of compensation, it is said that it will be given in the form of tasdik allowance annually to these institutions. Clause 19 says that some interim payment may be made. Because some provision is made for appellate authority and any person dissatisfied with the award may go in appeal to the appellate authority and therefore some time elapses and during that period some interim payment may be made. As I have said already, the Deputy Commissioner or any other person to whom that power is delegated by the Deputy Commissioner will hold the enquiry and find out the award.

It is said in clause 21 that any person aggrieved by a decision of the Deputy Commissioner may appeal to the prescribed authority. But, as in the other Bill, nothing is mentioned here about the appellate authority. In the other Bill, District Judge is made the authority. Government have reserved power to appoint the appellate authority. It is better if the same procedure as is obtaining in the other Bill is followed in this Bill also.

Government have reserved certain powers to make rules under clause 27 in order to see that the purposes of this Act are carried out.

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Now, there is apprehension in the minds of certain persons that the tasdik allowance amount will vary as and when new Governments will come into being. No doubt that apprehension is correct. But may I suggest that instead of making the payment of this allowance annually, it is better that some compensation is given as it is given in the case of other personal inams and the money is held in trust by the Government and every year interest on it is given to these institutions. When once the money is held in trust by the Government, it cannot be varied by the successor Government. So there will be confidence in the minds of inamdars that these institutions will be enabled to carry out the purposes and I think they will be satisfied with that. Government may be liberal enough to pay higher percentage of interest to those institutions which get only low compensation. Because it must be seen that the purposes of these institutions will have to be fulfilled. So it is better that this alternative suggestion is thought of. Because this tasdik allowance will not be sufficient in the case of some institutions. Some have more and some have less. It is better to remove that apprehension in the minds of persons. Some other alternative arrangement may be thought of.

My friend Sri Srinivasa Iyengar raised certain legal aspect of this Bill. According to Article 19 of the Constitution, all citizens shall have a right to acquire, hold and dispose of property. According to article 26,

> "Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—
>
> (*a*) to establish and maintain institutions for religious and charitable purposes;
>
> (*b*) to manage its own affairs in matters of religion;
>
> (*c*) to own and acquire movable and immovable property; and
>
> (*d*) to administer such property in accordance with law."

And according to Article 31,

> "No person shall be deprived of his property save by authority of law."

So compulsory acquisition of property will have to be made and compensation paid.

[Sri R. K. PRASAD in the Chair]

What is good for the individual is also good for the institution. No doubt a fundamental right is given to an individual to protect his property. But in the interests of the State the property belonging to the individual will have to be acquired for the good of the people of the State. Supposing the same rule is applicable in the case of institutions also. No doubt they have fundamental rights to hold property and to acquire and dispose of property. But still in the interest of the country, the State has got the power to acquire; but acquisition should not mean that it should be done without compensation. Adequate compensation will have to be paid. As we know, Sir, in this Bill, compensation is proposed to be paid. It will not be acquired free of cost. What should be the quantum of compensation that should be paid is a matter that should be settled. Sri Srinivasa Iyengar stated that it will be opposed to law and that it should not be acquired and quoted the decision of the Supreme Court. In my opinion, it will not hold water. He said that we should not pass any legislation regarding Religious Institutions and he quoted the decision of the Supreme Court regarding Devaraj Shenoy and others who filed an application for the writ of mandamus before the High Court of Madras and that writ was granted. The State of Madras preferred an appeal to the Supreme Court and the Supreme Court also confirmed the opinion of the High Court. After all this legislation does not deal with the mutt property. In that judgment, Their Lordships of the Supreme Court have dealt with that aspect and said that there need not be any interference in the internal autonomy of the mutt. I would just read a paragraph in this

decision found on page 151 of the All-India Reporter 953—Madras : (Devaraj *Vs.* the State of Madras) :

> " In the light of various considerations adverted by us in the judgment in C.M.P. No. 2591 of 1951 (Madras), we have no hesitation in holding that the provisions of the Act in so far as they interfere with the autonomy of the religious denomination which owns and has the sole and exclusive control of the temple should not be allowed to be enforced including the provision relating to the notification procedure which vests an arbitrary power in the Commissioner and Government to wrest from the hands of the Trustees the power to administer the temple."

**Sri P. R. RAMAIYA** (Basavangudi).—Is not this Bill going to interfere with the autonomy of the Sringeri Mutt, Sir ? As it stands today, they have certain powers and they have got certain autonomous powers. Is not this Bill going to infringe on that ?

**Sri R. ANANTARAMAN.**—It will not interfere with the autonomy or the holding of the property by them. It will not interfere with the autonomy of the Mutt regarding the manner of worship and the control of the Mutt, etc. But regarding the property, the State has got power to interfere. It is the fundamental right given to certain institutions as in the case of individuals to hold property. But when the property of an individual can be acquired by paying compensation in the interest of the State, in the same way, the State can act in respect of property belonging to an institution and that property can be acquired in public interest, but only on proper compensation.

**Sri P. R. RAMAIYA.**—But does it not amount to interfering with property right now ?

**Sri R. ANANTARAMAN.**—We can interfere with the property, not with the autonomy of the Mutt. That is referred to in the Supreme Court decision. According to the Supreme Court decision, the Government can interfere with the acquisition of the property from the Mutt and here this property will have to be interfered with because the Government want to confer better rights over the tenants in those villages.

Another thing, Sir: Some friend suggested that we should not interfere with the religious beliefs of people. In All-India Reporter 1953—Bombay 183 Justice Chagla says like this :

> " Considering Article 25, a sharp distinction must be drawn between religious faith and belief and religious practice. What the State protects is religious faith and belief. If religious practices run counter to public order, morality, health or policy of social welfare upon which the State has embarked, then the religious practice must give way before the good of the people of the State as a whole."

No doubt, we cannot interfere with religious belief, but religious practice is quite different. A distinction must be made between religious belief and religious practice. Supposing there is the religious practice of *sati* and it may be legal. But, now it goes against the public policy of the Government and so the feeling is that the belief in *sati* itself goes against public policy and it has to be condemned, Sir. Some line of distinction is drawn between religious belief and religious practice. Though the State Government cannot interfere with religious beliefs, it can interfere with religious practice if it runs counter to social policy as shown by the above decision of Justice Chagla. I am saying this because some friend said that we cannot interfere with religious faith. Here there is a certain procedure adopted by the Mutt and it is contrary to the public policy of the State and certainly Government has every power to interfere.

**Sri P. R. RAMAIYA.**—What is the religious practice ? Such as *achara* and *agama*, etc. ?

**Sri R. ANANTARAMAN.**—If it is counter to public policy, then the State can interfere. Sir, according to the Statement of Objects and Reasons and also the Financial Memorandum, this

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scheme is for the abolition of inams in order to take the following steps :—

To confer occupancy rights on all kadim tenants in respect of lands which were in their holdings. Of course, Sir, occupancy will be given to them and no payment will be made by them.

To confer occupancy rights on all permanent tenants after recovering from them a suitable premium. In this particular case, suitable income I think will be excessive, as I find it, and some modification will have to be made.

To confer land on people who were holders of minor inams and certain plots belonging to inamdars. As I have suggested, no provision is made for the public buildings which may have been alienated by the inamdar just before it will be taken over by the Government. Suitable provision will have to be made in this Bill in this regard.

Payment of compensation as *tasdic* so long as the institution lasts. No discrimination between personal inams and religious inams is there. In Personal Inam Abolition Bill, we have made provision for compensation and I want to know why some discrimination should be made in this particular case. I suggest that compensation also may be given in this particular case and the money should be held by the Government as trustees and every year some reasonable interest may be given to the Mutt.

**Sri B. NARAYANASWAMY** (Mysore City South).—The relationship between inamdar and the Mutt is the same as relation between debtor and creditor.

**Sri R. ANANTARAMAN.**—Government can hold the money as trustees and enter into some agreement with the inamdars.

**Sri M. V. RAMA RAO** (Tumkur).—Sir, I understood from the Hon'ble the Revenue Minister's speech when he moved for the consideration of the Bill that this Bill is going to be referred to a Select Committee. Therefore, Sir, I will confine my speech to a brief statement of the points which I would like the Select Committee to examine when they deal with this Bill after it is referred to the Select Committee.

The first point with which I should like to commence my speech is to disabuse the minds of any Hon'ble Members of this House of a possible impression that a brief is being held either for the Sringeri Mutt or for any religious or charitable institution whatever may be its religious denomination. Those who know me well, know that I am not in the habit of holding a brief for private or personal causes.

2 P.M.

It is not my habit to hold briefs for private causes nor to advocate personal causes, much less to make personal attacks as some have mistaken certain remarks made when the Hon'ble the Revenue Minister was not present in this House. I should like to make it clear to him that nothing is to be gained by me by making personal attack when he is not physically present here. It is not my habit. Even if something is to be gained, I would refrain from making personal attacks when he is not in the House.

After dispelling this impression, I wish to state that I worship neither God nor Man; and I am not afraid of stating a case against the religious institutions if the scope of the Bill needs it, though I have no desire to wound the susceptibilities of any section of population in this country. I should like to say that no useful purpose would be served by seeking to attack any institution owing to a mistaken impression of the intentions of the mover of the Bill or of those who oppose a particular provision of the Bill. No useful purpose, I repeat, would be served by suspecting each other's *bona fides*. The whole object of the Bill, or at any rate an important object of the Bill, is to confer occupancy rights upon the tenants of lands held as inams by religious and charitable institutions. Seeing that that is the main object of the Bill, I was wondering why so much heat and so much controversy was being developed yesterday when the debate took place on this Bill, about the origin of the Sringeri Mutt, the religious light or faith spread by Adi Shankaracharya, the intervention of Sri Vidyaranya and

all the rest of it. I think, we may as well leave these saints and spiritual leaders alone and confine ourselves to what we should do with the inam lands. I am perfectly certain that the Hon'ble the Revenue Minister, though I do not know whether he believes in God or not, has no designs against any religious institutions. From what I know of him, I do not think he will spend any time or energy in demolishing religious institutions. Therefore, certain observations which made it appear that the real object of this Bill is to deprive Sringeri Mutt, either of its spiritual attributes or of the properties held by it, seemed to me to be almost without foundation. It is just possible that the spokesmen of particular school of thought believe that the Sringeri Jahagir should be retained for the Sringeri Mutt. It seems to me that they are not stating a case which will stand on its own merits. After all, there can be no special plea which can be held to be tenable for the retention of the Jahagir only in the case of Sringeri Mutt if the policy of the State and if the object of the Bill is to deprive religious institutions of the inams held by them and to substitute for the incomes derived from those inams annual *tasdik* allowances hereafter to be paid by Government.

Sir, from such study of this Bill as I have been able to make, it seems to me that the Bill is modelled almost along the same lines as the Personal and Miscellaneous Inams Abolition Bill with this exception that we have, so far, managed to steer clear of the trouble and the controversy over the quasi-permanent tenants and *khas* possession and things like that. But I am not sure that the Hon'ble the Revenue Minister would be able to get over this hurdle of quasi-permanent tenant, during the consideration of this Bill in the Select Committee. I can assure him that that trouble will not emanate from me. Whoever starts that controversy will have to manage it if he happens to be in the Select Committee. I only wish to say that, to me, it seems that the design of this Bill is somewhat unrealistic. I say so with considerable hesitation and after much anxious thought. I have read the Bill many times with a view to get a clear idea of the future state of things with respect to religious and charitable institutions. As I already said, I have not got Sringeri Jahagir or Sringeri Mutt in my mind. I am not personally concerned either with religion or with any religious institutions, but seeing that we are dealing not merely with Sringeri Mutt but with tens of thousands of other religious institutions to which this Bill would apply, I should like to raise specifically some of the points which, to my mind, do not appear to be quite clear.

Sir, we seem to be mixing up the idea of an 'inam' with the idea of an 'endowment' to a religious or charitable institution. The expression 'inam', as was pointed out during the debate on the other Bill in this House, has not been defined in any legislative enactment. A kind of definition has been formulated for it in the Report of the Gundappa Gowda Committee. During the debate on the other Bill I read out that definition and also referred to the sources to which acknowledgments had been made in the pages of that Report for that definition. Here, in this Bill, we seek to give a different connotation to the expression 'inam' as well as the expression 'inamdar'. It will be seen that in this Bill, clause 2, sub-clause (5), merely says "inam" includes an inam village and a minor inam; in sub-clause (6), "inamdar" means a religious or charitable institution owning an inam; and in sub-clause (7) "inam village" means any alienated village whether Sarvamanya or Jodi or a portion of such village. Then, in sub-clause (8), the expression "Kadim tenant" means a tenant as defined in section 84 of the Land Revenue Code. In sub-clause 10, "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village. Then, in sub-clause (12) of clause 2, we come to the definition of "permanent tenant," which, I may promise the Hon'ble the Revenue Minister, will be the point at which the troubles will arise both in the Select Committee and elsewhere. "Permanent tenant means a person

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who either under section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural purposes, the duration of which is coextensive with the duration of the tenure of the inamdar; and includes a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land thereon himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than twelve years prior to the date of vesting"; then, there is an explanation to this sub-clause which seeks to make an exception in the case of a person who, under the terms of a contract, is entitled to grow subsidiary or ground crops on land on which areca, cocoanut or mango trees are grown or on land on which casuarina trees are to be raised. We have here a definition of the expression 'permanent tenant' which is substantially the same as the enlarged or the extended definition of 'permanent tenant' which we put into the Personal and Miscellaneous Inams Abolition Bill. The effect of having this definition, one obvious effect, is to exclude a large class of tenant cultivators of land included in religious and charitable inams. There does not appear to be any statistical information as to the number of such tenants either in the Revenue Department of the Government of Mysore or in any published book or report. Then, an assumption and a rough calculation have been made as to the number of tenants who are likely to be designated as '*kadim* tenant' or as 'permanent tenant' as seen in the Financial Memorandum appended to this Bill. It is therein stated—

> "The extent of these inams are noted as under—
>
> (1) Sringeri Jahagir inclusive of villages belonging to the Jahagir within the State—47,440 acres.
>
> (2) Other religious and charitable inams in the State—265,339 acres."

The total of these two figures, as I have added them up, will be 312,779 acres. Then the Financial Memorandum goes on to say—

> "Assuming that about one-fourth the area in respect of religious and charitable inams other than Sringeri Jahagir is occupied by permanent tenants, it is roughly estimated that about Rs. 17,00,000 will have to be paid as *tasdik* to the inamdars after recovering it from the several permanent tenants."

That is a little over 60,000 acres. That would still leave well over 2 lakhs of acres of land comprised in other religious and charitable inams which would not be occupied by permanent tenants and therefore, I take it, would be in the occupancy of tenants-at-will who have no security of tenure and whose tenure is subject to the whims and caprices of the inamdar who, in the case of religious or charitable institutions, would probably be the manager or perhaps the *archak* of the temple or the *parupathyegar* of the choultry. I do not see any provision in this Bill for giving occupancy rights to these tenants cultivating more than 2 lakhs of acres of land comprised in religious and charitable inams. On the other hand, clauses 4, 5, 6, 7, 8 and 9 in Chapter II of the Bill contemplate registration of *kadim* tenants and permanent tenants, as defined in the Bill, as occupants of lands. Whoever is not included in the category of *kadim* tenants or permanent tenants will continue to remain in the same position as before. This Bill does not envisage conferment of the occupancy right upon the tenant cultivator who cannot be described as *kadim* tenant or permanent tenant. The scheme of the Bill is to register those residuary lands as being in the occupancy of the religious institutions themselves and to continue to keep the ownership and the right of management in the institutions themselves which in effect means that the mahant or the manager or the *archak* or the *parupathyegar*, as the case may be, will continue to deal with these lands in the same old manner as

before, subject to the control, such as it may be, imposed by the extension of the Tenancy Act to these areas in the State of Mysore. It is stated in Clause 25 of this Bill that the provisions of the Mysore Tenancy Act of 1952 will be saved in their application to the inam lands after this Bill becomes law. In Clause 26 of the Bill, it is stated that with effect on and from the date of vesting, the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, shall be deemed to have been repealed in its application to the inam village concerned. This clause ought to be read along with Clause 1 and also Clause 2. In Clause 1, sub-clause 4, it is said—

> "This section and sections 2, 27 and 29 shall come into force at once and the rest of this Act shall come into force in respect of any inam village, or minor inam in an unalienated village, on such date as the Government may by notification appoint."

Therefore Clause 26 of the Bill, as it now is, would be applicable only after a notification has been made by Government extending the application of the other sections of the Act mentioned in sub-clause 4 of Clause 1, which I have just now read. With respect to date of vesting, in sub-clause (2) of Clause 2, it is stated that—

> " date of vesting.....in relation to an inam means, the date appointed by a notification issued under sub-section (4) of section 1 to be the date on which the provisions of this Act (other than sections 2, 27 and 29) shall come into force in such inam : "

What I am trying to show is that the scheme of the Bill is to extend the application of this Act, after it has been passed into law, gradually to the twenty-one thousand and odd religious and charitable inams which this Bill is intended to deal with. If gradualness in the extension of the applicability of the Act is contemplated in Clauses 1, 2 and 26 of this Bill, it is inevitable that the inam tenure of the lands held by religious or charitable institutions will have been abolished in some places while it will continue in other places unless the Government really intend that the provisions of the Act shall in their entirety be made applicable to all religious and charitable inams in the State on a specified date. I mention this because it seems to me that if this enactment is made applicable by a process of gradualness to various religious and charitable institutions, the complications and the difficulties that will have to be dealt with administratively will increase very much more. I would, therefore, suggest to the Government that the Act in its entirety must be extended in its application to all religious and charitable inams in one instalment in order that Government may deal with the various questions that will arise also in one instalment.

The giving of occupancy rights to the institutions in respect of lands not held by kadim tenants or permanent tenants seems to me not quite reasonable ; because, here we are not dealing with individuals capable of carrying on personal cultivation, but we are dealing with institutions which, whatever may be their religious denomination, cannot be expected to engage themselves personally in agriculture or cultivation of lands but are bound to have those lands cultivated by others whether they are hired agricultural labourers or they are tenants of the one or the other class. It makes no difference to the fact that no part of the land comprised in a religious or charitable inam could be cultivated by the religious or charitable institution itself. All that it could mean, even by an extension of the meaning, would be that in some cases the mahant or the archak might have been cultivating some part of the inam held by the particular religious institution. If the object of the Bill is, as I conceive it, to vest occupancy rights in the actual cultivators of lands, I fail to see how that object is achieved by registering the occupancy rights of lands not held by kadim tenants or permanent tenants in the name of the institution itself. That is a point on

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which the speech made by the Hon'ble the Revenue Minister, when he moved for consideration of the Bill, did not throw any light so far as I have understood the observations made by him.

2-30 P.M.

With regard to the number of tenants for whom this Bill will have made no provision by way of relief, we have practically no statistics. But even with regard to the extent of land comprised in religious and charitable inams, there seems to be considerable variation between the extent mentioned in the Gundappa Gowda Committee Report and the extent mentioned in the Financial Memorandum accompanying this Bill. For the information of the House generally and of the Hon'ble the Minister for Revenue in particular, I shall be reading out the figures contained in the Gundappa Gowda Committee Report.

Of Devadaya or religious inams including Sringeri Jahagir, the total number is given as 19,702; the extent mentioned is 1,84,024 acres; the assessment in rupees is given as 2,54,813. With regard to Dharmadaya or charitable inams including chatrams, the number given in the Gundappa Gowda Committee Report is 431; the extent is mentioned as 2,40,079 acres; the assessment in rupees is 1,84,463. It will be seen from the total of these two sets of figures that the total number of religious and charitable inams in the entire State of Mysore will be 20,133; the total extent in acres will be 4,24,103. If the extent of Sringeri Jahagir which is mentioned as 47,440 acres be subtracted from this, the total extent of other religious and charitable inams will be not 2,65,339 acres as mentioned in the Financial Memorandum, but very much more than that. The extent—I have not been able to make the actual calculation—but it will exceed 3½ lakhs of acres of land.

I cite these figures not to weary the House or the Hon'ble the Minister, but to invite the attention of the Hon'ble the Minister for Revenue in particular to the very considerable discrepancy in the extent of land said to be comprised in religious and charitable inams. I am sure the same authoritative and governmental sources of information were availed of by the Gundappa Gowda Committee when they prepared their Report and proceeded to make their suggestions for land reform. The figures given in that report are said to have been taken from official compilations; the number and extent of inams are referred to the various registers maintained by the Department of Revenue in the Government of Mysore; and although there are certain variations in the figures as to the acreage of various inams given by the Gundappa Gowda Committee Report with reference to these official registers and to certain other compilations made by the late Sri N. S. Subba Rao in his Report on Taxation in Mysore, the acreage of land comprised in religious and charitable inams has been determined in fact. I should ask, therefore, the Hon'ble the Revenue Minister to find out during the deliberations of the Select Committee, why such a large difference in the extent of land comprised in the religious and charitable inams is made to appear in the Financial Memorandum which mentions the acreage as 2·65 lakhs of acres.

Then, it is not clear on what basis the assumption is made that about one-fourth of the area of the religious and charitable inams is occupied by permanent tenants. This is a rough estimate and therefore, a rough assumption. Even if the estimate is accurate, which I am certainly willing to concede not merely for the sake of argument but as a matter of substance, the rest of the area, *i.e.*, three-fourths of the area exceeding 3½ lakhs of acres, which is very nearly three lakhs of acres, would be in the occupation of tenants other than kadim and permanent tenants; and if the scheme of the Bill is to do no more for the large number of tenants who cultivate this large extent of land than to make the Tenancy Act of 1952 applicable to them, I am not able to understand the enthusiasm with which the future prosperity of the tenantry is being acclaimed in this House during the debate. It does not appear to me that the largest number of tenants and the tenants who suffer from the caprice or

the wickedness of the inamdar are having a fair deal at our hands. All that we intend to do for the large number of tenants who suffer both by reason of the precariousness of their tenancy as well as by reason of the anti-social propensities of the inamdars, although they are religious institutions is to leave them in the same state and keep them as tenants of those lands registered in the name not of any individua. capable of performing the tasks of cultivation or undertaking the processes of agriculture but in the name of religious institutions not capable of doing anything on the land, neither raise a crop nor harvest a crop already raised. Therefore, I say that the scheme of the Bill seems to me to be somewhat unrealistic and to have lost sight of the essential difference between Personal and Miscellaneous Inams and Religious and Charitable Inams. I expect my friend the Hon'ble the Revenue Minister will, in the course of his reply to this debate, point out or explain that although religious and charitable institutions are not persons, there will be in fact some person or persons who will be actually exercising the rights already vested in these institutions or which will hereafter be vested in these institutions and that therefore, to that extent, there is a similarity between Personal and Miscellaneous Inams and Religious and Charitable Inams. Unless we identify the *archak* with the temple, unless we identify the *parupathyegar* of the chatram with the chatram itself, unless we identify the Mahant or the manager or the Swamiji of the mutt with the Mutt itself, it does appear to me that we lose sight of essential difference between inams held by individuals who are human beings and inams held by institutions which are managed by interested persons who are also human beings but who have a separate legal existence. Therefore, Sir, I would request the Hon'ble the Revenue Minister to examine if it would be necessary to vest the occupancy rights in as large an extent of land as 3½ lakhs of acres in the 20 thousand and odd various religious and charitable institutions so as to enable the *archaks* and other such functionaries to deal with those lands hereafter in the same manner in which they are now accustomed to deal with those lands, subject to the Tenancy Act of 1952 which this Bill will make applicable to those lands and to those tenants.

Then, Sir, Chapter III deals with the determination and payment of compensation. I find that the scheme of compensation envisaged in this part of the Bill is peculiar to this measure itself and is not comparable with the provisions made in the other Bill.

Sri Kadidal MANJAPPA.—It is modelled upon the Madras Estates Abolition Act.

Sri M. V. RAMA RAO.—I see that the scheme of computing as well as paying compensation is based on the Madras enactment. I also see that my esteemed friend therefore expects that it should not be open to criticism or attack by one who has more affinity with the State of Madras at least by the way in which he is dressed. Anyway, Sir, this *tasdik* allowance that has to be paid in the form of a recurring annual payment to the various religious and charitable institutions by way of compensation for the deprivation of their inam rights does not seem to me to be founded on a just principle. It seems to me . . . .

Sri K. PATTABHIRAMAN.—Not founded on any correct principle whatever.

Sri M. V. RAMA RAO.—Sir, my Hon'ble friend from Kolar would like to call it 'as not being founded on any correct principle whatever'. But, I prefer to say that it is not founded on any just principle. I would like to ask: if the State to-day is not saddled with any liability to incur expenditure for the performance of the services in any of these numerous religious or charitable institutions, why should the State be saddled with the liability to make this annual payment of *tasdik* allowance in perpetuity merely because a small fraction, and a very inconsiderable fraction, of the large number of tenants are to be given occupancy rights in the inam lands held by these institutions? There are more than four lakhs of acres of land and over 3½ lakhs of acres of

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land will be in the possession of tenants on whom no superior rights such as occupancy will be conferred even after this Bill becomes law. How does the Minister justify with the vesting of occupancy right in a handful of tenants the liability that he seeks to impose upon the State Exchequer to pay this annual tasdik allowance to these 20,000 and odd religious and charitable institutions, year after year, in perpetuity? What is the relation between the one and the other? Why should the State be saddled with the liability to pay this 'basic annual sum hereinafter referred to as *tasdik*' in perpetuity?

**Sri Kadidal MANJAPPA.**—Is it the contention of the Hon'ble Member that the compensation be paid outright?

**Sri M. V. RAMA RAO.**— I contend against nothing except an unwillingness to examine arguments on their own merits; I am contending against nothing else. I have no contention against the Minister or his scheme. I ask, is it a reasonable proposition that the State should go on paying annual sums of money in perpetuity to religious institutions and charitable institutions, which may or may not be performing useful social service, which may or may not exist, which may or may not deserve to exist, merely because ten thousand or fifteen thousand permanent and kadim tenants get the occupancy right? What is the relation between the one and the other? Why should the State be saddled with this liability? I think, every Hon'ble Member of this House, unless he can knock the bottom off my argument, will object to the State Exchequer being made liable for the recurring payment of this basic annual sum to these religious and charitable inams. After all, it is not as if the State founded these religious and charitable institutions. They have been founded, have been maintained and have been cherished by masses of people inspired to found them, maintain them or cherish them because of a sense of values wholly different from the mere anxiety to acquire or confer occupancy right in respect of a few thousands of acres of land. After all, if a religious institution or a charitable institution was founded in order to carry on worship of God or in order to provide amenities for travellers or visitors to places of pilgrimage or worship, it does not stand on any higher footing than the Pravasi Mandirs as they are now named, though I would choose to call them Travellers' Bungalows or Musafirkhanas for which Government have made no inams and Government incur the actual expenditure necessary to keep the buildings in existence and in a state of repair and in some cases to provide certain conveniences like furniture or cooking utensils or a bath tub, perhaps. Why the existence of these institutions should impose this recurring financial liability on the revenues of the State is a thing which, in spite of much trouble that I have taken to understand the scheme of the Bill, I have not been able to relate to the conferment of occupancy rights of kadim tenants and permanent tenants. Are we, I ask, making any mistake and confusing endowments and grants of lands made to religious and charitable institutions with religious and charitable inams or are we keeping the distinction clear in our minds? If a religious institution owns 20 acres of land or 100 acres of land endowed to it either by Government or by a private individual or individuals, that property would be held by the institution for its own benefit, unfettered by the legislation that we are now making, as long as that extent of land is not held on an inam tenure. If the religious institution does not partake of the legal characteristics of an intermediary between the Government and the occupant of the land, then that land would be held by the institution in the same manner as any person holds raiyatwari agricultural land in any inalienated village in the State of Mysore. Therefore, this Bill would not affect those religious institutions in any manner whatever. The institutions which would be affected by this Bill are only those institutions which hold land without paying the assessment on the land in the manner in which

assessment on land is paid in raiyatwari villages. It is only in those cases that the inam tenure is abolished, the occupancy rights are taken away from the institution and are redistributed amongst the khadim tenants, the permanent tenants and the institution itself in the manner laid down in the various provisions of the Bill. It is only in those cases that occupancy rights are divested and redistributed.

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Having regard to the fact that the total number of these religious and charitable inams is over 20,000 and also having regard to the fact that the extent of land not held by kadim tenants or permanent tenants is nearly 3·5 lakhs of acres, is it not clear...

**Sri Mulka GOVINDA REDDY** (Chitaldrug).–Sir, Sri Rama Rao may continue his speech after lunch.

**Mr. CHAIRMAN.**—If you want some more time, you can continue after lunch.

**Sri M. V. RAMA RAO.**—I shall take a little more time. That is all.

**Mr. CHAIRMAN.**—Now the House will rise for lunch and meet again at 3-30.

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*The House adjourned for Lunch at Three Minutes past Three of the Clock and reassembled at Thirty Minutes past Three of the Clock.*

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[MR. SPEAKER in the Chair]

**Sri M. V. RAMA RAO.**—Sir, I was asking how the liability of the State to make annual payment in perpetuity of this tasdik allowance which is estimated at Rs. 18 lakhs per year as stated in the Financial Memorandum, can be related to the conferment of occupancy rights on a few thousands of kadim tenants and permanent tenants. The Financial Memorandum says that the additional income derived in the shape of assessment by Government after the abolition of the inams will be Rs. 3 lakhs. Sir, the Gundappa Gowda Committee which examined the question of the abolition of inam tenure has also furnished the figures relating to the number of inams, the extent of land comprised therein as well as the assessment to which these lands are subject, although as a matter of fact it is not being levied by reason of the lands being held on inam tenure. In that report it is said that in respect of 19,702 Dharmadaya or religious inams comprising an extent of 1,84,024 acres of land an assessment of Rs. 2,54,813 would be payable; and that in respect of 431 charitable inams like chattrams comprising an extent of 2,40,079 acres of land an amount of Rs. 1,84,463 is payable, as the assessed land revenue. The total assessment payable on the entire extent of land the inam tenure of which is to be abolished, would be Rs. 4,39,276 according to the Gundappa Gowda Committee Report. Therefore, the statement in the Financial Memorandum that the additional income derived in the shape of assessment by Government after the abolition of these inams will be Rs. 3 lakhs, is to be understood to mean that owing to the concessional tenure on which lands are held in these inams the Government is at present realising not more than Rs. 1.40 lakhs by way of assessment. And Government at present is incurring no expenditure whatever towards the performance of the religious or the charitable services in the various religious and charitable institutions other than making arrangements for the management of a particular institution where owing to mismanagement or for other reasons it has become necessary for the Government to make alternative arrangement for the management of the institution or for the administration of its affairs. Therefore, the brief logic of the Bill would appear to be that in order to obtain an additional revenue of Rs. 3 lakhs every year by abolishing the inam tenure of lands held by these various religious and charitable institutions, Government should be saddled with a financial liability of the order of Rs. 18 lakhs according to the rough estimate made in the Financial Memorandum, in perpetuity. It is said in the

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memorandum that the scheme for the abolition of these inams contemplates the payment of compensation to the inamdar in the shape of a basic annual sum as tasdik so long as the institution runs. And in clause 18 of the Bill which relates to the payment of compensation, it is said :

"(1) The Government shall pay to the inamdar every year so long as the institution exists, the basic annual sum as a tasdik allowance.

(2) The sum payable under sub-section (1) may be paid in such form and manner and at such time or times and in one or more instalments, as may be prescribed."

This phrase "so long as the institution exists" has an ominous ring about it. It is possible that what is really meant is that this compensation should be payable in perpetuity. It is possible that that is the intention. If that is the intention, it would be much better that the expression 'shall be payable in perpetuity' is used in clause 18, because the expression 'in perpetuity' has a specific, unambiguous, clear, and definite legal connotation. The expression 'so long as it exists' may have the same meaning; but it cannot be maintained that it has that meaning and none other.

During the debate on this Bill in the speeches made by certain Hon'ble Members doubts were expressed that this compensation in the form of tasdik allowance might be paid for a certain number of years and that the payment was liable to be suspended or terminated on some future occasion on considerations not quite dissimilar to those which have now brought this Bill before this House. It is just possible that Government on a future occasion may think it fit to discontinue the payment of tasdik allowance although the tasdik allowance was payable by way of compensation for deprivation of the proprietary rights and although the deprivation of the proprietary rights had in fact taken place and was not remediable at any future point of time. My esteemed friend the Hon'ble Member Sri H. S. Rudrappa suggested that some kind of guarantee should be incorporated into the provisions of the Bill so as to ensure the continuity of payment in perpetuity of this *tasdik* allowance. It seems to me that the exigencies which on some future occasion may result in discontinuance of the payment of *tasdik* allowance might also be regarded as potent enough to take away the guarantee such as my friend Sri H. S. Rudrappa had in mind and wanted to be incorporated in the provisions of the Bill. If the Government or the Legislature on some future occasion thinks fit to discontinue payment of compensation by the exercise of executive or legislative authority, the incorporation of the guarantee in the provisions of the Bill itself, although it might at the moment appear to be an assurance of the continuance of the payment of this *tasdik* allowance, would still leave the Government and the Legislature free to do what they might think it necessary or expedient to do on a future occasion. Some other Hon'ble Member also suggested that instead of annual payment in perpetuity being made by way of compensation, an outright lumpsum compensation should be paid by way of compensation. This suggestion would have to be examined in greater detail because, as I pointed out earlier, the relation between the liability of the State to make the payment of compensation to the institutions which are deprived of inam rights and the vesting or the conferment of occupancy rights on a limited number of kadim tenants and permanent tenants—the relation between the one and the other—is not easily justifiable. I can understand the Government undertaking a liability of this kind on the ground that the entire land which is now being cultivated by persons who do not enjoy occupancy rights is being given over to them as their own and, therefore, the funds of the State are to be expended for the purpose of enabling the landless cultivators to acquire occupancy rights in the land that they cultivate. That is a perfectly reasonable and justifiable proposition. But here the Bill seeks to confer this

occupancy right on just one-fourth of the total number of tenants even according to the explanation contained in the Financial Memorandum and I am certain that my friend the Hon'ble the Revenue Minister will not contradict me if I state that this assumption is not made on any available or disclosable statistical data compiled by the Department to which this matter relates. Neither the statistical abstract concerning the State of Mysore compiled and published in the year 1951 nor the compilation made in the Census Report pertaining to the enumeration that was made in 1951 contains any figures which would assist the Government to determine even roughly the number of tenants cultivating the lands comprised in religious and charitable inams. In fact, on the occasion when the Personal and Miscellaneous Inams Abolition Bill was adopted in this House, I endeavoured to ascertain the number of persons who can be called tenants of lands comprised in inam villages and other inams. This information was not only not available but it was also not ascertainable even by a process of computations from other statistical material because the enumeration had not been made so as to make separate calculations of the number of persons cultivating lands in alienated villages and persons cultivating lands in unalienated villages. Therefore, the nebulous character of the factual data upon which these assumptions are made would make it very difficult for any one to assess even with probable accuracy either the number of persons who are likely to benefit or the amount of money that would have to be spent year after year by the State Exchequer towards the payment of the compensation payable in the form of *tasdik* allowance. I hope, Sir, that the Select Committee will be in a position to get all the available determinate facts and figures upon which to proceed before their recommendations on this Bill are made.

One important theme of certain Hon'ble Members who spoke earlier during the debate on this Bill was that the religious institutions should not be disabled from functioning and carrying on in the manner in which they function and carry on at present. The Statement of Objects and Reasons holds out a kind of assurance that it is not the intention of the Government in bringing forward this legislation to do anything calculated to make these institutions either useless or *functus officio*. It is said in this Statement that in order to ensure that the purpose for which inams were granted is not affected, provision has been made in the present Bill for payment to the institution which owned the inam, of an annual allowance equal to the net income derived by the institution from the land which the Bill seeks to take away from the institution. Sir, this assurance is worded in language the full implications of which deserve to be examined in greater detail. Let us take the case of a charitable or religious institution which has an inam of five acres of land. It does not matter what kind of land it is, whether it is dry land or wet land or bagayet land. If this inam had been in the possession of a tenant cultivator for more than 12 years prior to the date of vesting which may be the year 1954 itself, if this land had been cultivated by the tenant since before the year 1942 on a crop-sharing basis, on the basis that half the produce of the land was to be paid over to the inamdar, *i.e.*, the institution, then under the provisions of this Bill, the occupancy right in these five acres of land would be registered in the name of the tenant-cultivator and a certain premium or price would be recovered from him in the manner contemplated in the Bill by Government as consideration for the conferment of that occupancy right on that tenant-cultivator. Because the share in the crop of those five acres will no longer be available to the institution, Government propose to pay a basic annual sum called *tasdik* allowance in perpetuity to this religious institution. If the value of the share of the produce grown on these five acres of land was worth, say, a hundred rupees, Government undertake the liability to pay this one hundred rupees in perpetuity to this institution or in the words actually

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employed in this Bill, Government undertake to pay this sum of one hundred rupees "so long as the institution exists." Sir, what is it that Government get by way of an enabling revenue for making this recurring payment and for incurring this recurring liability? Government get nothing except the land revenue payable on these five acres of land: the land revenue that is payable now or that would be payable hereafter according to the modified rates that are proposed to be assessed on land subject also to the payment of such cesses as Government may think fit to impose. If these five acres of land held on an inam tenure by a religious institution are given over to the tenant-cultivator, Government stand to get nothing more than twelve rupees if the inam is situated in Kolar District and not much more than three or four rupees if the inam is situated in Chitaldrug District; and Government undertake the liability to make an annual payment of a hundred rupees year after year in order to enable this institution to exist or to continue to perform the services which may be performed at present. I should like the Hon'ble the Revenue Minister to explain to us what is the constitutional or the legal or even the administrative or the social relation between the conferment of occupancy right on a tenant-cultivator and the liability of the State to make this *tasdik* allowance to the institution which has been divested of its proprietary right in land held on inam tenure. It does not appear to me that there is any justifiable relation between the one and the other. As long as the provisions of this Bill are looked at and examined with some particular institution in mind, the full implications or the significance of the various provisions would not be quite clear as to how other institutions which may not be present in the mind would be affected by the operation of the provisions of the Bill. If the kadim tenant held the land on a kadim tenancy tenure, he is actually an occupant of the land with only this difference, that, the assessment on the land howsoever it may be paid, whether in cash or in kind, which at present is payable to the institution would hereafter be payable to the Government. I see no reason to find fault with the conferment of occupancy right on the kadim tenants in possession of inam land in all religious institutions. But, in regard to the "permanent tenants" as defined in this Bill, I must make it clear that if we keep the enlarged definition of permanent tenant as contained in sub-clause (12) of clause 2, we shall be imposing on Government a financial liability arising out of this definition and afflicting the Government in the years to come. The permanent tenant as defined in Section 79 of the Land Revenue Code is a person whose tenancy right approaches very nearly the occupancy right of the holder of land in any raiyatwari village but the permanent tenant as we define the expression in sub-clause (12) of clause 2 of this Bill, is a creature unknown to the existing law. He is a creature who will be brought into existence by this Bill and he may be, in a very large number of cases, a tenant who was not a permanent tenant in the sense in which the expression is used in the Land Revenue Code, but a tenant who cultivated the land on any basis whatever as a tenant for a continuous period of 12 years prior to the date of vesting. I should like to know what the policy is of incurring expenditure in perpetuity by the State in order to enlarge the tenancy right of a certain kind of cultivator into an occupancy right and that in a limited number of cases? I should like to know what the policy is or can be.

**Sri Kadidal MANJAPPA.**—To help the raiyats.

**Sri M. V. RAMA RAO.**—To help the raiyats! Sir, I am sure none in this House is against any help being given to the raiyats; none. But the manner in which that help is given should not operate to the detriment of the State as a whole, of the people as a whole and attempt to impose a liability on the revenues of the State for the betterment of a limited number of individuals. The principle could not be defended because it is not in any

way different from the principle which might have actuated those who, in olden days, made these inam grants for helping certain other persons or institutions. They also had in mind the welfare of persons generally and of sections in particular. The expression "helping the raiyats" is an exceedingly agreeable phrase and it is also a very handy phrase and a handy argument with which to beat either the inamdars or the institutions. I do not come in the way of that argument being used or the stick being employed. What I wish to say is that the justification for imposing financial liability on the State must be based on some broader basis than the mere enlargement of the rights possessed by a certain number of persons at present while leaving a very much larger number of persons, on Government's own statement, in the same position as before. This Financial Memorandum states that it is assumed that one-fourth of the extent of the land comprised in these inams is cultivated by permanent tenants. If this is so, three-fourths of the entire extent is held by other tenants! Where is the wisdom in the policy of incurring recurring expenditure for enlarging the rights of one-fourth of the number of tenants while leaving the other three-fourths in the same position as before? Even in respect of the tenants of this one-fourth extent of land, their rights are much larger and more certain than the rights enjoyed by the tenants of the other three-fourths. A kadim tenant or a permanent tenant is certainly in a more advantageous position than a mere tenant-at-will. If the scheme of the Bill is to leave the tenants-at-will in the lurch and to enlarge the rights of only the kadim and permanent tenants into occupancy rights, I do not see why the Government of the State should undertake a recurring liability to pay, according to the memorandum, as much as Rs. 18 lakhs, which is of course stated to be a rough estimate. It may be 18 lakhs or it may be 20 lakhs; it may easily be 30 lakhs or even 50 lakhs. Nobody can predict what it will be. Since statistical material upon the basis of which alone any accurate or exact calculation can be made is not available even to the Government, this rough estimate of a recurring expenditure of Rs. 18 lakhs should not lull the House into complacency about the unimportance of the financial liability sought to be imposed on the State. What is the compensating factor by way of revenue derivable by the State from the lands the inam tenure of which is sought to be abolished and the occupancy rights are sought to be conferred on the tenants? There is no comparison. In order to get a land revenue of Rs. 5 where the Government was getting Rs. 2, in order to get an increased revenue of Rs. 3 should Government undertake a liability of Rs. 100 in perpetuity? I do not consider that this proposal has been examined, in the manner in which I have been trying to examine it, by the Government when the provisions of this Bill were finalised and drafted.

Then, Sir, "in order to ensure that the purpose for which the inams were granted is not affected"—this phrase, as I already stated, is so general and nebulous that the implications of it must be examined in greater detail in order to understand its significance and consequence. Where at present land held by a religious or charitable institution pays by way of half share in the produce of the land sufficient to enable the institution to carry on the services, we propose to enable the particular tenant-cultivator to take away for himself that share of the produce and require him to pay a price for the conferment of that right and also impose upon the State a liability to continue to make an annual payment for the continuance of the services in the religious or the charitable institution. It is no business of the Government to maintain any religious institution or any charitable institution. I should like to know whether the Government consider it any part of their business to maintain religious institutions. I do not think it is any part of the business of the Government to maintain any religious institution whatever. Why should Government seek to incur a financial commitment for enabling religious institutions,

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whatever may be their denomination, to exist or to perform services dear to themselves or to their disciples or to those who profess the particular faith? I do not see the justification for Government imposing upon the State a financial liability unconnected with any duties which legitimately belong to the Government and unconnected with the discharge of any duties imposed upon the Government by the Constitution which governs not merely the Government but the Legislature and the country as well. Yesterday, the Hon'ble Member Sri Srinivasa Iyengar, in the course of his observations, made some reference to a recent judgment of the Supreme Court in which, he said, the competence of the Legislature to impose restrictions upon the rights guaranteed by Article 26 of the Constitution has been questioned. If I understood him aright, he said that the judgment of the Supreme Court laid down that Article 26 which guarantees to religious institutions the right to own and manage property would be infringed if any legislation was enacted which sought to deprive them of the right to own property or of the right to manage the property. When the Hon'ble Member Sri Srinivasa Iyengar mentioned this, I was present in the House and my friend the Hon'ble the Revenue Minister said that "that section does not apply to this Bill." After having heard them both, I attempted to discover whether the Supreme Court judgment could be had. It happens that the judgment has yet to be reported in any Law Journal. It is a judgment in a series of cases concerning religious institutions and charitable institutions of various denominations—Hindu, Jain, Parsee and probably others—which had gone up before the Supreme Court as a result of certain legislative enactments which sought to impose certain restrictions upon the right to carry on religious services or to manage religious affairs in denominational religious institutions. The Supreme Court is said to have heard a number of these cases together and to have delivered judgment in some or probably all of them. But the text of the judgment has yet to be reported and published and therefore it seems to me that it would not be right or wise to maintain that something has been decided in favour of an argument that is advanced on the floor of this House by certain Hon'ble Members or that something has been decided which prevents the Government from proceeding with this Bill. I think we owe it to ourselves to await the publication of that judgment so that we may read it and understand what bearing it may possibly have upon the legislative measure which we have before us now. Apart from whatever the judgment may be, I would suggest to the Hon'ble the Revenue Minister that he should read Article 26 contained in Part III of the Constitution, which guarantees fundamental rights, justiciable rights, rights which would be adjudicated upon, not by Ministers or by Members of the Legislature, but by Courts of Law. Article 26 says:

> "Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—
>
> (*a*) to establish and maintain institutions for religious and charitable purposes;
>
> (*b*) to manage its own affairs in matters of religion;
>
> (*c*) to own and acquire movable and immovable property; and
>
> (*d*) to administer such property in accordance with law."

The competence of the Legislature either of the Indian Union or of any State in the Union to legislate and to bring into.....

**Sri Kadidal MANJAPPA.**—Will the Hon'ble Member see Article 31-A?

**Sri M. V. RAMA RAO.**—Sir, at the moment I am referring to Article 26 and I have no objection to proceed to Article 31-A in due course. But before I proceed to Article 31 A, I shall deal with Article 26 upon which I am engaged at present and then advert to Article 31-A and also 31-B.

**Mr. SPEAKER.**—Then it looks as though you will continue tomorrow also? (*Laughter.*)

**Sri M. V. RAMA RAO.**—Not unless the intervention of other Hon'ble Members makes it necessary. Sir, I was saying that the competence of the Legislature to make law in accordance with which property may be owned, acquired or administered is unquestioned. I do not think any one would question the competence of the Legislature to enact law determining how and in what manner properties shall be owned, acquired or administered by a religious institution of any denomination whatever. But if the law which seeks to determine how property shall be owned or how property shall be acquired or how property shall be administered by a religious institution, seeks to take away from the institution the right to own property or the right to administer property and vest it in someone else, then, even if that someone is Government itself, that law perhaps would be an infringement of the rights guaranteed by Article 26.

4-30 P.M.

Now Article 31-A to which my friend the Hon'ble Member, Sri Madiah, referred so enthusiastically, has been introduced into the Constitution by way of an amendment to the Constitution which was effected with the assistance also of my vote, however inconsiderable it might have been in the total effect produced on the Constitution. I should like the Hon'ble Members who have been directing my attention to the provisions contained in Article 31-A of the Constitution to know that that amendment was effected, though not at my instance, at least with my support. Therefore, it may be presumed that that support was extended to that proposal for amending the Constitution with the same amount of understanding of the implications of it as I bring to bear upon the legislative proposals before this House. I did not extend my support to that amendment without agreeing to its implications. I understood the necessity for it; I understood its effect and I have extended my support to it. Therefore, I know what is contained in Article 31-A of the Constitution. But since my attention has been directed to it, I shall also read the provisions of that article so that we may all refresh our minds about what it actually says:

> "31-A. Notwithstanding anything in the foregoing provisions of this Part, no law providing for the acquisition by the State of any estate or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by any provisions of this Part: Provided that where such law is a law made by the Legislature of a State, the provisions of this Article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent.
>
> (2) In this article—
>
> (*a*) the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any jagir, inam or muafi or other similar grant;
>
> (*b*) the expression "rights", in relation to an estate, shall include any rights vesting in a proprietor, sub-proprietor, under-proprietor, tenure-holder or other intermediary and any rights or privileges in respect of land revenue."

Sir, any argument for the elucidation of the full meaning of everything that is contained in Article 31-A would be out of place on the floor of the House because such argument or such elucidation would be proper only in a court of law. The extent to which any examination of the provisions of Article 31-A on the floor of the Legislature would be relevant is just so far as will enable us to understand what it is that the proposed piece of legislation is intended to effect or bring about. In this Bill, it is not merely the inam tenure on which the land is held by the religious or charitable institution that is sought to be abolished. If it

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was merely that, it should have long ago been passed into law. I do not think the abolition of the inam tenure by itself would raise any doubt in anybody's mind. In addition to the abolition of the inam tenure, the Bill also seeks to divest the proprietary rights not entirely relatable to or arising out of the inam tenure, but arising out of other relations between charitable institutions and the land which was held by them. In the illustration which I gave earlier in the course of my speech, I took the case of a religious institution holding five acres of land on inam tenure. The income derived by the institution might be five rupees assessment payable by the cultivator, out of which the institution might retain Rs. 4 and pay Re. 1 to Government as jodi or as a concessional assessment. If the intention of the Bill was to impose liability on the institution to pay the full assessment on the property owned by it, nobody would object to it. In fact, the abolition of the inam tenure seeks to deprive the inam-holders of their intermediary character and to enable the holders of agricultural land to make payment of land revenue direct to the Government instead of to the intermediary institution. Here, we not merely abolish the intermediary which was collecting this assessment but we also take away the proprietary right such as it might have if its right was not only to collect the land revenue but also to take a share of the produce of the land from the cultivator of the land; and in order to enable the cultivator to discontinue making over the share of the produce to the institution and to have it for himself, we want the State to undertake a financial liability to go on making the payment of an equivalent amount to the institution in perpetuity. This is undertaking a financial liability for the maintenance of denominational religious institutions which does not form part of the business of the State Government.

Therefore, as I have been trying to show, the object of the Bill would be perhaps outside the scope of the legitimate duties of the Government. The Statement says:

> "In order to ensure that the purpose for which the inams were granted is not affected, provision has been made in the present Bill for the payment to the institution which owned the inam of an annual allowance equal to the net income .....etc."

If this allowance is not properly applied to the purposes for which the payment is made, Government has a further duty to see that the money which is paid over to an institution for the purposes of the religious services or religious functions or ceremonies is actually applied to those purposes. And Government can discharge this duty not under the provisions of the Religious and Charitable Inams Abolition Act after it is passed into law, but under the provisions of an existing law, namely, the Mysore Religious and Charitable Institutions Act. Sir, Act VII of 1927, the Mysore Religious and Charitable Institutions Act, provides a law according to which Muzrai and other religious and charitable institutions in Mysore are administered. This Act has been amended in 1935 by the amending Act VIII of 1935 and again in 1937 by the Amending Act I of 1937. The relevant provision of this Act which confers any right on the Government to manage religious or charitable institutions is Section 18 of the Act. Section 18 of this Act says:

> "If it is proved that there has been gross mismanagement of the institution or of any property pertaining thereto or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof, the Muzrai Officer may, with the previous sanction of the Government,
>
> (1) take the institution under the management of Government;
>
> (2) order that the property which has been mismanaged or misappropriated shall be delivered back either to the institution or to the possession of the Government on behalf of the institution;

(3) obtain security for the proper performance of the trust or management of the property;

(4) frame a scheme for the proper management of the institution or management of its property and the application thereof; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity."

It is this provision which confers, in certain cases, the right on the Government to undertake the administration of religious institutions whether Muzrai or not.

Section 25 also provides for the Government taking over the management of a religious institution in certain other cases: cases where the administration may be carried on by Government although there may not have been mismanagement of the affairs or misappropriation of the property. Section 25 of the Act provides that the Government may take over the possession and management of the property of any Matha or other institution of a similar nature, (1) when the Mathadipathi or the head of such other institution voluntarily applies for such help and places the institution or its property under the management of the Government; (2) when he is dead or has left the country and has not been heard of for more than seven years and has not made legal and satisfactory arrangements for the carrying on of the ordinary business of the institution and there is no successor duly appointed according to law or custom applicable to succession to the office; (3) when he is a minor without a duly appointed guardian, fit and willing to act as such, or is by reason of physical or mental infirmity unable to manage the affairs of the institution, provided that such management shall cease (i) on the termination of the period of the agreement, (ii) when a successor is duly appointed and is competent to manage the property, (iii) when the minority or other disqualification mentioned above terminates; provided further that the Government may, while giving back the management of the property, impose certain restrictions for such period as the Government may deem fit in the interest of the institution.

These are the two sections of the Mysore Religious and Charitable Institutions Act of 1927 which can enable the Government to intervene in the administration of religious and charitable institutions. Under the scheme of the Bill which proposes to make payment of *tasdik* allowance which I presume will be in the form of cash payment, the temptation to run away with the money or to apply the money for purposes other than those for which the money was paid to the institution would be all the greater, because the right of management of the property necessarily carries with it a certain amount of responsibility which will not be there when the payment of money is assured from the treasury of the State without any corresponding responsibility on the part of the payee to administer any property or to manage anything other than the religious services inside the institution. There must have been, I am sure, numerous instances within the experience of my esteemed friend the Hon'ble the Revenue Minister where the person in charge of a muzrai institution has not only failed to perform the religious service associated with the religious institution but has been found to have grossly mismanaged the property endowed to the institution for its upkeep or for the performance of the religious service and may have also misappropriated the proceeds or the income from the property so managed by himself. Since the right of management exercises a sobering effect or sobering influence on the propensities of the man in charge of a religious institution, where that sobering influence is taken away and where the person in charge of a religious or charitable institution is put in the position of a beneficiary entitled to receive from the coffers of a generous Government guaranteed sums of money intended for the due performance of religious services in a religious institution, Government must of necessity invest themselves with greater powers

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of control and management over the person in charge of such religious institution. And to that end, both Section 18 as well as Section 25 of the Mysore Charitable and Religious Institutions Act of 1927 will have to be modified and suitably amended. And it is precisely this that Article 26 of the Constitution disables the Government, whether of the Union or of the State, from doing. Article 26 is subject to the provisions contained in Article 31-A. The Constitution does not prevent the Legislature of a State from enacting law abolishing inam tenure or acquiring estates and paying compensation to those from whom those estates are acquired. But it does prevent under Article 26 the deprivation of the right to hold or acquire or manage property of a religious institution whatever may be its denomination. Therefore, the Government which has to incur expenditure out of the public revenues for enabling religious and charitable institutions to continue to maintain and carry on the services associated with them will also be compelled to invest itself with greater powers of control, management and supervision in respect of those institutions and to that extent impose restrictions on the rights of religious denominations to have institutions of their own and to own and administer property and to that extent lay restrictions upon the fundamental rights guaranteed by Article 26. Whether Government really mean to undertake these larger responsibilities is a matter upon which the Hon'ble the Revenue Minister must certainly be in a position to tell the House what the Government's intentions are. So far as I am concerned, I only wish to say that even if the passage of this Bill into law happens during this session, still it would be worthwhile to examine how the Supreme Court of India has interpreted the meaning, the scope and the effect of Article 26 read along with Article 31-A of the Constitution of India; and also to examine whether Section 18 of the Mysore Religious and Charitable Institutions Act is still valid law enabling the Government to intervene and take over the administration of religious and charitable institutions. With these observations, Sir, I expect that the Hon'ble the Revenue Minister who has stated that this Bill will be referred to a Select Committee will place before the Select Committee more information than he has been able to place before this House at this stage.

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5 P.M.

## DISCUSSION ON QUESTION No. 869 REGARDING S.A.S. PART II EXAMINATION.

**Sri R. ANANTARAMAN** (Chamarajapet).—Sir, to my question No. 869 put day before yesterday, the Hon'ble Minister for Law and Education . . .

**Sri Kadidal MANJAPPA** (Minister for Revenue and Public Works).—Sir, Sri A. G. Ramachandra Rao is engaged in the Legislative Council. He is replying to a debate. I have got the file relating to this and I will manage.

**Sri R. ANANTARAMAN.**—Sir, usually the prevailing practice in the Audit Department is the subordinate officials sit for the S.A.S. Examination and after passing the examination they will be promoted to the higher cadre as Assistant Comptrollers and Deputy Comptrollers. But unfortunately, Sir, the examinees have been very much dissatisfied and it is alleged that the examination was not fairly conducted. They have sent a petition to the Minister for Revenue. One instance they quote is that a student who has secured about 47 per cent in Book-keeping was given only 27 marks in that paper and he was made to fail just because he did not belong to a certain sect. According to the Minister the petition was forwarded to the Board and the Board has disposed of the petition but with no change at all. Sir, I learn that after the examination, even without consulting the Public Service Commission, all were promoted to the higher cadre. According to the Constitution, Article 320, sub-clause (3), the Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted. In this case, even before consultation all these officials have been promoted. Sir,